App.F.IX-4

1925. ✓ File No. 62-25

Previous References (Courts)
do 121-18 (1-2)
224-10 (1-6)

Serial Nos. 1—9

Later references.
do 62-25 (10-11)
" 159-27 (1-4)
do 38-29 C (1-9)

PRESERVED

Present

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~Eight~~ Nine.

Part B for June 1926.

SUBJECT

Batta and travelling allowance to officials witnesses attending criminal courts in the Bombay presidency

---

Gen Dept. (Comp) 43-102 & 17-6-26 Home Senior Surgeon
" Comptroller.
" Regr. Bombay Court
" Other Heads of Depts.
" Dy Comrs of Dists.

passes orders on marginal

Mannaswamy Iyengar
6/7/26

G. R. S. III-1]

1925-6

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

File No. 62-25

FILE HEADING.

T. A to mysore govt officers appearing in their official capacity as witnesses in the Courts of the Bombay Presidency.

From

The Senior Surgeon.

No. 393-3 Dated 15-8-25. Received 18-8-25.

Diary No. 784.] Enclos. 3 Spare Copies. [Serial No. /

BRIEF ABSTRACT OF LETTER.

Requests for reasons why the govt of Bombay be moved to allow officers of the mysore govt appearing before their Courts the same rate of T.A. as are allowed to them in their govt as is done in the Madras Govt.

NOTES AND ORDERS.

Submd.

1) The Madras Govt have agreed to pay to officials of the mysore Durbar appearing as witnesses in their official capacity before Courts in the Madras city or mofussil Courts the same T. A

NOTES—First Sheet.

806

Serial No

as are allowable to them under the Mysore govt (vide page 111, rule 17 and page 114, rule 13 – of Criminal Digest Vol II).

2) The first class magistrate Belgaum has given single first class fare each way to the Supt. Mento Ophthalmic Hospital. Bangalore If he had gone to Madras he would have got 1½ first class fare ie the fare allowed under the M.S.R. The Senior Surgeon requests that the Bombay govt be moved to give the same rate of T.A. to officials appearing as witnesses in their criminal courts, as are allowed under the M.S.R.

Rule 11 Page 81

3) Official witnesses ie persons in the service of other govts and attending criminal courts in the State to depose to facts coming to their knowledge in the course of their official duties are paid T.A. and batta at rates to which they are entitled under their respective govts. Hence it seems that we have justified to move the govt of Bombay to give T.A. to our servants at the rates obtaining here

Submitted for orders

21/8/25

6) Please put up the Rules which reciprocally has existed into with Mad

28/8

4) Please put up the Bombay Rules if available 24/8

5) Updated copy is not available here. The copy we have is dated 1902.

26/8/25

NOTE—Contn. Sheet

Serial No.

7) Ambt with C5 294-10(1.6). May K wherein the question of D.A to mysore officials attending Criminal courts in madras Presidency was dealt with

C 29/11/25 SRR C 3/1/8

8) Official witnesses from Mysore attending Criminal Courts in the Madras Presidency are paid the usual D.A under Mysore Service Regns vide Book 12 - page 82 ~~General Rules~~ general Rules and orders - Criminal. Vol I.

9) The file in which reciprocal arrangements were made was not available (H.K).

10) Rule 11, page 81 of the Volume shared alone, shows that as per G.O pay D.A to officials of foreign Govts the same D.A under the rules in force in their Govt.

11) It is therefore obvious that officials from the Bombay Presidency are paid D.A according to the Rules of the Bombay Govt.

12) The Residency may therefore perhaps be asked to move the Bombay Govt as was done in the case of Madras.

(Illegible)

5/1/26

251 9.9

NOTE—Contn. Sheet

Serial No

DEWAN'S OFFICE,
RECD. 13 NOV. 1925
Reg. No. 3597

13) Draft letter & Resn may be put up & submitted for consideration

15-9 cay 15/9

14)

Criminal Dipest Vol. II may be got up to date

30/9

Submitted with draft for Consideration.

25/9/25 (Ltr seen) 25/9 cay 28/9

28/9 29-9 cay 29-9

748 30/9 52 3.10

Pol. Pol. Branch etc completed.

15) A revised draft & Resn. is submitted for Dewan's approval &c.

11/11

Dewan. 16) Approved

12/11 cay 13/11

17-11

18/11 17) Issue cay 18/11

2 To the Secy to the Resident No. Pol 399 dy 19-11-25.

Requested to obtain the views of the Bombay Govt on the proposal

20/11/25

55

[App. F. III—2

General and Revenue Secretariat

C5 File No. 67 of 1926

Serial No 2

From

The Secy to the Resident

Letter no 55-2/184-1885-8 19-1-1926

Forwards a copy of letter 8 11-1-1926 from the govt of Bombay and requests the views of the mysore govt in the matter.

(8) The Bombay govt say that they have no objection to enter into a reciprocal arrangement in the matter of T.A to official witnesses attending Criminal courts in the Presidency in the same manner as they have entered into an agreement with the H E H the Nizam

(9) According to the arrangement entered into with H E H the Nizam no govt pays the T.A of official witness attending Criminal courts; but instead the Court grants a certificate of attendance that T.A to Officers being paid by the respective govts in which they serve on the strength of the certificate.

(10) The ~~accept~~ arrangement seems very equitable. But the occasions in which our State Officers going to Bombay will be many more than Bombay govt Officers coming to our courts. To save too much cost to govt it is perhaps better to let things be as they are and the govt Officer who goes to Bombay to depose to facts coming to his knowledge in the course of his

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12-25
App. F. III—21

General and Revenue Secretariat

C5 File No. 67 of 1925-26

Serial No.

official capacity being given the rates obtaining in our Courts, his T.A. paid by the Court being refunded to Govt. as in the case of our official witnesses attending our Criminal Courts (Vide Art. 623 M.S.R.) Submitted for orders.

21) The arrangement proposed by the Govt. of Bombay as regards payment of batta to witnesses of one province attending the Courts in the other province is different from that existing between Mysore & Madras, and is moreover not nearly so equitable or advantageous. To have an accurate idea of the position it is necessary to have Statistics relating to the number of Mysore witnesses attending Bombay Courts, and Bombay witnesses attending Mysore Courts. If their number is about level or if the ~~Mysore~~ Bombay witnesses exceed in number the ~~Bombay~~ Mysore witnesses, the arrangement proposed by Bombay would be advantageous to Mysore. The figures may not be easily available, but it looks as if there are more Mysore witnesses attending Bombay Courts, than Bombay witnesses attending Mysore Courts. This would mean that Mysore will stand to lose by the bargain, as instead of paying for a few Bombay witnesses attending our Courts now, we will have to pay the T.A. to all our official witnesses attending Bombay Courts. Hospitals attract people from Bombay & one

21/1/26

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12-25
App. F. [III—2]

General and Revenue Secretariat | 25 File No. 62 of 1925.

Serial No.

Medical officers are often summoned, while the reverse rarely happens. In some cases Bombay has said that instead of the witnesses attending Mysore Courts, they may be examined a Commission, in exceptional cases they often ask an officer to go and bring an accused at our cost, though they ought to bring him up to the border at least. We cannot adopt a similar attitude as the matter is beyond our control. If this is the attitude, the result will be that we will have to pay all our official witnesses those even the amount the Bombay Courts would have paid otherwise, while the Bombay witnesses instead of attending our Courts (at the expense of Bombay, if the arrangement agreed to) will claim and more to be examined on Commission.

22) The arrangement with Madras is the correct one, as the witnesses who actually attend are paid according to their rates. It looks preferable not to enter into the agreement proposed. The present practice may continue & if necessary, we may pay our officers their T.A. & get a refund of the amount which the Courts pay them. This will not be so costly as the other arrangement: submit for orders

[illegible]

23) The reciprocal arrangement proposed does not seem to be fair. It is better to allow the present practice to continue.

NOTE—Contn. Sheet

[illegible]

Serial No

24) I cannot see how the arrangement proposed by the Bombay Govt is unnecessarily complicated. They say that Each Govt — Bombay, Bengal — should pay into A. G. of the Govt who attends by giving Evidence with the consent of the other Govt — and that the recovery of such payments by the Govt making the payment from the Govt of which the Court attends of the witness performing the Duty should be made on foregone by agreement.

25) I/c we cannot come to a mutual agreement with the Bombay Govt. Each payment made by one Govt of the witnesses for attends each of the other Govt will be recovered from the other Govt if our Govt will have to have given

26) I should like to have a further note from the Asst Secy with regard to the above remarks.

3/2

1) Send into draft. Please type yourself

3/2/26

Send with the draft typed Subd for Consideration. The draft on the instructions of the Member when the file was subd in person.

Note—Contn. Sheet 330 10-2

WD 01264—GPB—40,000—17-12-25

General and Revenue Secretariat

File No. 29 C6 P 62 of 1925

DEWAN'S OFFICE
RECD. ON 13. FEB. 1926
Reg. No. 5973

Serial No.

330

31 Dy Supt

32 To the Secretary for Darbar
perusal before issue

Dy 10/2

Dewan 12/2

33

15/2.

34 For perusal before issue 15/2.

Fe-2117/25

1254 Asst (Secy)

35 17.2.26

17.2.

4 To

The Secy to the Resident 36

WD Pol 689 D 19.2.26.

States that the Govt of Udaipur have no objection to the arrangements proposed by the Govt of Bombay etc

5 From

The Secy to the Resident

Memo no 2860/1st-1885 D. 27.3.1926

Forwards a copy of letter from the Actg Secy to the Govt. of Bombay Political Dept stating that as an experimental measure recoveries of 2·4 pond by each Govt to its officers for attending courts of the other may be foregone as in Hyderabad for a period of 3 years and after getting an opinion of its officers it means and if it thinks it will lower, an alteration can be suggested and enquires the views of the Udaipur Govt in the matter.

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12-25 (16)
App. F. III—2]

General and Revenue Secretariat | V5 File No. 62. | of 1925-26

Serial No.

37 Subd for perusal and orders. Refer paras 25+26

29/3/26 Ann 29/3

38) Hee Bombay govt propose that the recoveries may be foregone for a period of 3 years in order to get an idea of the expenses incurred by each govt. This arrangement is stated to have been agreed to between Bombay and the ~~Madras~~ ~~of Hyde~~ govt

39) It is submitted that the arrangement proposed by us seems to be most equitable & may be insisted ~~on~~. Under this arrangement, the govt whose Court wants the witness will bear his expenditure.

40) Subd in the reference to paras 25 + 26.

30/3

30/3

30/3

874 31-3

(4) I am afraid that the alternative arrangement suggested by Govt of Bombay may not be to our advantage. However we may try. If for a year if the Bombay Govt agree to us (or for 3 years if 5 under 4) and consider the question of a modification for us, as he did. The proposal

NOTE—Contn. Sheet

Serial No.

DEWAN'S OFFICE
RECD ON 6 APR. 1926
7812

42 A copy of the letter from the Govt of Bombay dated 1st Jan 26 on the above subject was received from the Govt of Bombay. We have no objection to the alternative arrangements suggested by the Govt of Bombay. We think we should limit the period of the experiment restricted to one year. The Govt of Bombay may have no further objection to it.

43 Send with draft as directed

3/4/26

44 Agreed

45. Submitted for Dewan's personal perusal

Dewan

46)

47)

NOTE—Contn. Sheet

4485

WD 91264—GPB—40,000—17-12-25

Serial No.

6 To The Secy to the Resident
no Pol 949 dy 9.4.26
States that H.H.'s Govt have no objection to the arrangement proposed by the Bombay Govt but would suggest that the period of the experiment may be restricted to one year if the Bombay Govt have no particular objection to this.

7. From
The Secy to the Resident
Memo no. 4541 dy 22.5.26
Forwards a copy of letter from the Govt of Bombay stating that the Bombay Govt have no objection to restrict the period of experiment to one year and observing that there will however be no data at the end of one year and that the experimental period will have to be extended.

(49) Submd with reference to para 41 above

B 25/5/26 Asst 25/5

50) Secy) A reply may perhaps be given to the effect 26/5
1st member that the Govt are agreeable to keep it as an experiment for 1 year. 26/5

10106 26/5

51) Bombay Govt have agreed. 26/5
The Resn states that he is issuing orders accordingly to the arrangement for one year as present from 1st July & that Bombay may issue similar orders.

52) The Chief Court & HD of Depts have the approved; the former & furnish statistics of amounts payable which has been waived in Court & both Chief Court & HD of Depts

NOTE—Contn. Sheet

Serial No.

DEWAN'S OFFICE.
RECD 29. MAY 1926
No. 6725

to which figures I expect that
[illegible] should be paid to our pleaders accd
to our HC Rules for attendg
Bombay Courts & the Subd
in July 1927 for judicl
results. (Form to be prescribed
in H.D. Consultn with Compts
if reqd)

53) As regds a financial
arrangement, I see that Subd
perhaps have been consulted,
but as decision ahead taken,
it has to be assumed.
Submit to Diwan

27/5/26

54) qy
have any [illegible]

Dewan:

53) I feel we should have held and
to ask the B. Govt to enter again to
an arrangement similar to that existg
between Madras & Mysore
Nothing, of course can be done now except
to confirm the decision already taken.

30.5.26

1.6.26.

1st Member

58) 2/6/26

2/6 cag 2/6

C5 2/6 10329 1/6

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17.

Serial No.

5 Send with 2 drafts for approval & other orders for consideration

16/6/26 L & L Secy

Cay 7/6 8/6 8/6 Cay 8/6

10565 9/6

Approved Lee 10/6 8/6 10/6

Issue Cay 10/6

D 5016/26 D 17.6.26

Their financial opinion please see para 2 page 9.

Draft & fair copies of Cl. 6. Communiques subjt.

17/6

Approved 18/6

Mean Communical. 18/6

Communique no. C.D. 120 D 19.6.26

8. To The Surgeon
The Comptroller & Secy
The Registrar Ch Court.
Other Heads of Depts.
The Dy Comrs of Dts.

No P Camp 43-102 D 17-6-26.

Issues orders re the grant of T.A. to Officers attending Courts in the Bombay Courts in their official capacity as witnesses e

WD 0:264—GPB—20,000—17-12.
App. F. III—2]

General and Revenue Secretariat

4485 → 925

do File No. P 62

of 192 5

Serial No. 9.

To The Secy to the Resident
No Pol 1166 D 22.6.26
States that H.H. Govt are agreeable to the views of the Govt of Bombay & that orders have been issued accordingly.

Received
6/7
B
8/7

NOTE—Contn. Sheet

07874

MYSORE MEDICAL DEPARTMENT

No. C.393-3

OFFICE OF THE SENIOR SURGEON
WITH THE GOVT. OF MYSORE,

BANGALORE, 15-8-1925

GENL. & REV. SECT. G. D. SECT. Encl. Br. FROM 17 AUG. 1925 To

From B. Mahomed Usmon, Esq., L.M.S.,
Senior Surgeon with the Government of
His Highness the Maharaja of Mysore,
Bangalore.

To The Secretary to the Government of
His Highness the Maharaja of Mysore,
Local and Legislative Departments, Bangalore.

Sir,

I have the honour to state that the Superintendent, Minto Ophthalmic Hospital, Bangalore, had to appear before the First Class Magistrate Belagaum to give evidence in a criminal case in his official capacity in response to the summons received from that Court. In return he was allowed only a single first class fare which he points out as inadequate and not in accordance with the rates allowed either in this Govennment or in the Madras Government as per Government Order No. G. 13160-220/121-18-2 dated 3rd January 1919.

In this connection I enclose herein a copy of letter No. 846 dated 2/11th June 1925 addressed to the Assistant Sessions Judge, Belagaum, by the Superintendent of the Minto Ophthalmic Hospital, the Sessions Judge intimating that the Travelling Allowance allowed was in accordance with the rules. I request therefore that you will be so good as to move the Government of Bombay to allow officers of the Mysore Government appearing before their Courts the same rates of Travelling Allowance as are allowed to them under this Government, as is done by the Courts in the Madras Government, as per Government Order dated 3rd January 1919, and to have Mr. B. K. Narayana Rao's claim paid in full.

I have the honour to be,
Sir,
Your most obedient servant,

B Mahomed

Senior Surgeon.

Letter No.846 dated the 2/11th June 1925 from the Superintendent, Minto Ophthalmic Hospital, Bangalore to the Assistant Sessions Judge, Belgaum.

Sir,

I have the honour to bring the following facts for your kind consideration.

During my last attendance at your court on the 25th May 1925 as a witness for the defence, I was offered travelling allowance in accordance with your rules at the rate of single first class fare each way which I protested was very inadequate and therefore did not draw. I further told that I will put in this representation regarding the matter.

I should like to bring to your kind notice that I was summoned to your court to give evidence regarding facts that came to my knowledge in my official capacity - as Superintendent of this Institution. It was not to speak of facts which I knew as a private professional man. Such being the case, you will see the peculiarity of the case when I mention to you that were I a servant of the Bombay Government coming to give evidence in your court in my official capacity I would be entitled to draw travelling allowance at one and three fiths first class fare, or secondly had I been summoned to any court within our State I would be entitled to draw travelling allowance at one and a half times the first class rates. Simply because I am a servant of a foreign Government coming to give evidence regarding facts known in my official capacity arising out of the incident of free medical and surgical help charitably rendered in a public institution maintained by our Government to a subject of the Bombay Government - it is really hard that I should be penalised in the way of evidently inadequate travelling allowance.

Herewith I am sending a copy of the rules obtaining in the

the Madras Presidency - in similar cases which will support my case.

As this is a matter of importance in principle I shall thank you to kindly grant me the same rate of allowance as you would have granted to a Government servant of my status in your Presidency, or grant me the same allowance by the rules obtaining in our state.

If you think that rules will not permit of any deviation, I shall be thankful if you will refer the matter to such higher authorities, as you deem fit. If you advice me to do so I shall be - glad to request our Government to kindly move in the matter.

"C o p y" 15/7

No. G.13160-220 cts 121-18-2 dated 3-1-1919. 4

* * * * *

Para 17.

Officials of the Mysore Durbar appearing as witnesses in their official capacity before courts in Madras City may, if such claim be made, be paid their expenses - at the rates at which they would be entitled under the - Regulations of their own Government. This arrangement - may be extended by the Government to other Native States which have agreed to pay the expenses of British official witnesses from the Madras Presidency appearing in their courts on the same scale as that admissiable to them -- under the Regulations of the Madras Government.

- - - - - - - -

Finl. 107] TRAVELLING ALLOWANCE BILL. 5

District of

Travelling allowance of Mr. B.K. Narayana Rao.

Office Superintendent, Mental Hospital, Bangalore

Head-quarter Bangalore

Head of Service chargeable.

Month of May 1925.

Date of journey	Route: From	Route: To	Purpose of journey	Distance or actual fare by rail	Distance travelled by road entitling to: Mileage	Distance travelled by road entitling to: Daily allowance	Days halted	Actual charges by sea, etc.	Remarks
24-5-25	Public office	City Railway Station	Office		1/8				
	7.15 a.m. Bangalore	7.50 a.m. on 25-5-25 Belgaum	Inspection	165-0-0					
25-5-25	Halt at Belgaum		Inspection			1			
26-5-25	Belgaum	Bangalore	Inspection	165-0-0					
27-5-25	City Railway Station	Public office	Office		1/8				

OFFICE OF THE SENIOR SURGEON 14 AUG. 1925 MYSORE GOVT. BANGALORE

6

Date of journey	Route: From	Route: To	Purpose of journey	Distance or actual fare by rail	Distance travelled by road entitling to: Mileage	Distance travelled by road entitling to: Daily allowance	Days halted	Actual charges by sea, etc.	Remarks
				90/-	3	1			

1. I do hereby certify that I have taken pains to ascertain the length of the abovementioned marches, and have shown them accurately to the best of my knowledge and belief.

2. I also certify that I was absent from headquarters for more than 24 hours on the..... ..... the dates for which two days' daily allowance has been claimed.

3. I also certify that I maintained camp equipage during the period for which full daily halting allowance is claimed.

N.B.—The certificate should not be retained if the officer has not maintained camp equipage at his own expense and for his personal use.

4. I also certify that I travelled on this railway journey by the 1st class.

5. I also certify that sanction of.....has been obtained for taking..... .....

by railway from..... to.....

	Rs. a. p.	Rs. a. p.
I. Mileage by road—		
(a) For.....miles at.....per mile with camp.		
(b) For...3...miles at...8.. per mile without camp.		
Total ...	1 8 -	
II. Journey by rail—		
(a) Mileage for.....miles at.....per mile with camp		
(b) ~~Single (or double)~~ First ~~Second~~ Class fare		
Total ...	135 - -	
III. Daily allowance—		
(a) For...1....halts at Rs...5/- per day	5 - -	
(b) For.....marches at Rs..... per day		
Total ...		
V. Charges for conveying tents, horses, etc. ...		
	141 8 -	Balance ...

Rupees one hundred forty one and annas eight only.

Signature of Officer who travelled: Superintendent, Minto Ophthalmic Hospital.

Office Stamp when Claim exceeds Rs. 20.

Bill as requested 14/8

Allotment, 19 .

Expenditure including this Bill

Date

Countersigned for Rs.

Rupees.

Date Controlling Officer.

Treasury Officer,

District.

GPB—15,000—11-5-12

Pol. 399 & Gove
No 62-25-2
dt 19-11-1925.

To

The Secretary to the Hon'ble the
Resident in Mysore.

Sir,

I am directed to state that the Supt. of the Minto Ophthalmic Institute, Bangalore (Mr. B.K. Narayana Rao) who on 25th May 1925 appeared as a witness before the Assistant Sessions Judge, Belgaum, in response to a summons issued by him to depose to facts which had come to his knowledge in his official capacity, was treated as a non-official witness and under the rules in force in the Bombay presidency ~~there~~, he was offered only single first class fare either way which ~~however~~ Mr. Narayana Rao declined to accept on the ground that the amount did not cover the expenditure actually incurred by him and that as he attended the court to depose to facts within his knowledge in his official capacity, he should be treated as an official witness and allowed T.A. allowable to such witnesses under the Mysore Service Regulations. In this connection I am to bring to your kind notice that in the year 1911 when an officer of the Durbar who attended a criminal court at Cuddapah as a witness in his official capacity was treated similarly, the Madras Govt. ~~xxx~~ at the instance of the Durbar, agreed to pay to the officers of the State who appear as witnesses before criminal courts in the Madras Presidency travelling allowance and batta admissible to them under the Mysore Service Regulations (vide proceedings of the

Govt. of Madras No.1105, Judicial, dated 10th July 1912 received with letter No.4563 dated 6th August 1912 from the First Assistant - Resident, Bangalore) the arrangement being reciprocal; and they have, in their rules as revised and issued with their proceedings No.2126 (Judicial) dated 18th September 1918 received with your No.7475 dated 30th October 1918, provided for the continuance of this arrangement. (vide rule 13 - copy enclosed) As it may be to the mutual advantage of the Mysore and Bombay Governments if a reciprocal arrangement is made between them, similar to that in force between Mysore and Madras as explained above, I am to request you to kindly address the Bombay Government and ~~obtain~~ their ~~views about~~ regard the proposal.

I have etc.,

Secretary to Government,
Local & Legislative Deptts.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

3154

No. 552 Enc. 2

184-1885.

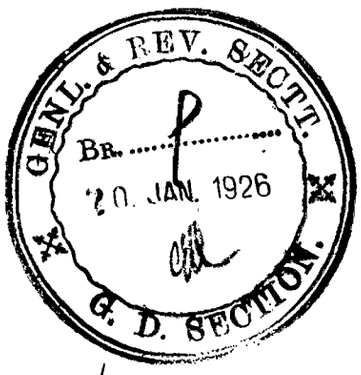
Ds.62-25-3.

Pol 821

2948/25

FROM

Major K. A. G. Evans Gordon,
SECRETARY TO THE RESIDENT IN MYSORE.



To

The Secretary to the Government of Mysore,

Local & Legislative Departments,

Dated Bangalore, 19th January *192* 6.

Subject.

Payment of travelling allowances and batta to witnesses attending criminal courts.

SIR,

With reference to your letter No. Pol.399/Cts.62-25, dated the 19th November 1925, I am directed to forward a copy of a letter No.3852-B., dated the 11th January 1926, with enclosure, from the Government of Bombay, Political Department, and to request that the Resident may be favoured with the views of the Mysore Government in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

K Evans-Gordon

Major,
SECRETARY TO THE RESIDENT.

PN

PN

Letter No. 3852-B, dated the 11th January 1926, from the Acting Secretary to the Government of Bombay, Political Department, to the Hon'ble the Resident in Mysore.

Payment of travelling allowances and bhatta to witnesses attending criminal courts.

With reference to your letter No. 9801/184/1885, dated the 28th November 1925, I am directed by the Governor in Council to state that in 1916 the Hon'ble the Resident in Hederabad asked the Government of Bombay to enter with the Hyderabad State into the same arrangement which you now propose for the payment of travellin expenses to official witnesses. The Government of Bombay, after full consideration did not approve of the arrangement in view of the difficulty and inconvenience which would be experienced by the courts if they were required to interpret the travelling allowance rules of other Governments. They considered that it would be preferable that no travelling allowance should be paid by either Government to the officers of the other, but that each Government should pay their own servants, mutual recoveries being either made or foregone by agreement. The Government of India approved of this arrangement. A copy of the notifiation of the Government of Bombay in the Judicial Department No. 6834, dated the 22nd July 1920, which gives effect to the arrangement, is enclosed. This arrangement has been extended to a number of Indian States, and, if the Mysore Durbar approve, the Government of Bombay will have no objection to extending it to that State.

2. I am also to state that the Governments of Madras and the Central Provinces have entered into a similar agreement with His Exalted Highness the Nizam's Government.

---:o:---

"C O P Y"

REGISTRAR, RESIDENT'S OFFICE.

CJK.

No. 6834 of 1920.

JUDICIAL DEPARTMENT.

Bombay Castle, 22nd July 1920.

Notification.

In exercise of the powers conferred by section 544 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to add the following as rule 7 to the rules published in Government Notification No. 7051, dated the 6th October 1913, as amended by Government Notification No. 2475, dated the 16th April 1918:-

(7) Officials of the Hyderabad State appearing as witnesses in their official capacity before Courts in the Bombay Presidency shall not be paid their expenses but the court beofre which such officials appear shall issue a certificate of attendance, the dates of their attendance and of the place, taluka and district in which the Court sat, on which the official concerned will draw the travelling allowance from the Hyderabad Government. This arrangement may be extended by the Government of Bombay to any other Native States which may agree to adopt it.

By Order etc.

(sd) A. MONTGOMERIE,

Secretary to the Government

----:o:------

"C O P Y"

CJK.

Pol. 689 dt 19-2-26

To

The Secretary to the Resident.

Sir,

With reference to your letter No.552/184-1885 dated 19-1-1926 re payment of T.A. and batta to officials witnesses attending criminal courts, I am directed to state that the Govt. of Mysore have no objection to the mutual arrangement proposed by the Government of Bombay, in their letter No.3852-B dated 11-1-1926, that each Government will pay their own servants attending the courts of the other State the T.A. and recover the amount from the latter, periodically-say once a year- by sending a bill to the latter. ~~on the certificates of attendance granted by the courts~~. If the Govt. of Bombay is agreeable to this arrangement, instructions will be issued to all the criminal courts in the State. The claim of Mr.B.K.Narayana Rao referred to in my letter No. Pol 399 dated 19-11-1925 will also be settled accordingly, if there is no objection.

I have etc.,

Secy.to Govt.L.L.Depts.

TD

40627

13 3793 25

All communications should be addressed the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

GENL. & REV. SECTT. Bn. 27 MAR. 1926 G. D. SECTION.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 27th March 1926.

No. 2860 Encls. 184-1885.

Cts 62-25-5 Pol 1107

A copy of the marginally* noted letter, ~~with enclosure,~~ is forwarded with compliments, to the ~~Chief~~ Secretary to the Government of H. H. the Maharaja of Mysore., Local and Legislative Departments. for information, with reference to his letter No. Pol.689/Cts.62-25 dated the 19th February 1926, and with the request that the Resident may be favoured with the views of the Mysore Government in the matter.

B., No. 3852-dated the 22nd March 1926 from the Government of Bombay, Political Department.

25/3

Major,
Secretary to the Resident.

P. O. 758. R. O. 25.—2,000.—2-10-1925.—R. P. B.

PN

Letter No.3852-B., dated the 22nd March 1926, from the Acting Secretary to the Government of Bombay, Political Department, to the Hon'ble the Resident in Mysore, Bangalore.

--:0:--

Payment of travelling allowances and bhatta to witnesses attending criminal courts.

With reference to the correspondence ending with your letter No.1848/184/1885, dated the 26th February 1926, I am directed by the Governor in Council to state that in accordance with the arrangement which the Government of Bombay have arrived at with His Exalted Highness the Nizam's Government, recoveries of travelling allowances - paid by each Government to its officers for attending courts of the other were to be foregone for 3 years as an experimental measure. The Government of Bombay consider that this arrangement, besides keeping the procedure uniform, is convenient, as each Government can, after three years, get an idea of the expenses it incurs, and can if it thinks it is a loser, suggest an alteration. I am therefore to request that you will be so good as to ascertain from the Government of Mysore whether they would also agree to this course.

---:0:---

"C O P Y"

REGISTRAR RESIDENT'S OFFICE.

PN

PN

15

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 9/4/26

Signed by Mrs B. N.

List of enclosures.....

Copied by.....

Examined by.....

Section C/5

File No. 62-25

Serial No. 6

No. Pol 949

To The Secretary to the Resident

Sir

With reference to your endorsement no 2860/184-1885 dt 27-3-1926 forwarding a copy of the letter no 3852-B dt 22-3-1926 from the Acting Secy to the Govt of Bombay, Political Department stating that recoveries of T.A paid by each Govt to its officers for attending Courts of the other may be foregone for 3 years as an experimental measure and that of any Govt thinks

over

by this arrangement, it
is a loss ~~[illegible]~~ can suggest an
alteration, I am directed
to state that Govt have
no objection to try the ~~application~~
arrangement ~~supported~~ suggested by the Bombay
Govt but that the period of the
experiment may be restricted
to one year. If the Bombay Govt
have no particular objection to it

Yours etc

5/4

5/4

Dorothy

5/6/26
Ans
3/4

05

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

49465

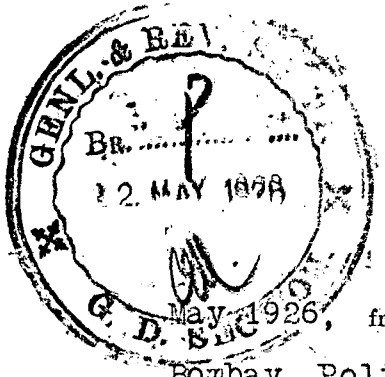
17-4485
Pol 825

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 22nd May 1926.

No. 454/ Encls. 1

Pol 1324
Cts 62-25-7



A copy of the marginally* noted letter, ~~with enclosure,~~ is forwarded with compliments, to the ~~Chief~~ Secretary to the Government of H. H. the Maharaja of Mysore, Local & Legislative Departments, for information with reference to his letter No.Pol 949/ cts.65-25-6, dated the 9th April 1926.

No.3852-B dated the 18th May 1926, from the Government of Bombay, Political Department.

5

for *Secretary to the Resident.*

P.N

P. O. 758. R. O. 25.—2,000.—2-10-1925.—R. P. B.

Letter No.3852-B, dated the 18th May 1926, from the Secretary to the Government of Bombay, Political - Department, to the Hon'ble the Resident in Mysore, -- Bangalore.

---:oOo:---

Payment of travelling allowances and bhatta to witnesses attending Criminal Courts.

---:oOo:---

With reference to the correspondence ending with your letter No.3440/184-1885, dated the 16th - April 1926, I am directed by the Governor in Council to state that the Government of Bombay have no objection to the Government of Mysore's proposal to restrict the period of the experiment to one year. - They are how-ever of the opinion that there will be no data to go on at the end of one year and that the experimental period will almost certainly have to be extended.

---:oOo:---

" C O P Y "

REGISTRAR, RESIDENT'S OFFICE.

A.S.B.

29-10-25 C562-25-8

Proceedings of the Govt. of H.H. the Maharaja of Mysore.

Read:-

Letter No.C.393-3 dated 15-8-1925 from the Senior Surgeon in Mysore stating that the Superintendent, Minto Ophthalmic Hospital, Bangalore, had to appear before the First Class Magistrate of Belgaum to give evidence in a criminal case in his official capacity in response to the summons received from that court and that he was allowed only a single first class railway fare which is neither adequate nor in accordance with the rates allowed in the Mysore State or Madras Government as per G.O.No.13160/Cts.121-18-2 dated 3rd January 1919 and requesting that the Bombay Government may be moved to allow officers of Mysore Government appearing before their courts the same rates of T.A. as are allowed to them under this Government.

2. Correspondence ending with letter No.552/184-1885 dated 19-1-1926 from the Secretary to the Hon'ble the Resident in Mysore forwarding copy of letter No.3852-B dated 11-1-1926 from the Government of Bombay, Political Department, together with its enclosure, and enquiring the views of the Mysore Government in the matter.

(Here enter letter with enclosure in full).

3. Correspondence ending with letter No.2860/184-1885 dated 27-3-1926 from the Secretary to the Resident forwarding copy of letter No.3852 B dated 22-3-26 from the Govt. of Bombay, Political Dept.

stating that recoveries of travelling allowence paid by each Government to its officers for attending courts of the other may be foregone for three years as an experimental measure and that if any Government thinks it is a loser, it can suggest an alteration and enquiring the views of the Mysore Govt. in the matter.

4. Correspondence ending with letter No.4541 dated 22-5-1926 from the Secretary to the Resident stating that the Govt. of Bombay have no objection to the ~~Govt. of Mysore's~~ proposal of the Govt. of Mysore to restrict the period of experiment to one year and observing that there will be no data to go on at the end of one year and that the experimental period will almost certainly have to be extended.

Order No. (Camp) P. 43-102/CG 62-25-8 dated 17/6/1926.

~~As agreed to by the Bombay Govt.~~ Officers of the Mysore Government appearing as witnesses in their official capacity before courts in the Bombay Presidency ~~shall~~ will hereafter not be paid their expenses by the ~~Bombay~~ Government of Bombay. ~~They~~ They can, however, claim their T.A. under the M.S.R. from the Mysore Government, after obtaining ~~The officers appearing in their courts shall obtain~~ a certificate of attendance from the presiding judge or officer of the court ~~(date of attendance, place, taluk and district in which the court sat)~~ and appending the same to their T.A. bills.

2. The ~~Bombay~~ Government of Bombay have similarly agreed to forego the T.A. of their officers appearing in the Mysore courts

21

as witnesses in their official capacity. ~~and~~ The Registrar, Chief Court, is requested to issue instructions to all the courts not to pay T.A. and batta to such officers as per rules of the court, but to grant them a certificate of attendance.

3. This arrangement will be in force for a period of one year from 1st July 1926. Heads of Departments and Deputy Commissioners of Dts. are requested to furnish ~~a statement~~ by ~~1st July 1927~~ 15th July 1927 a statement showing the expenditure incurred by Govt. during the period in paying T.A. and batta to the officials ~~of Mysore Govt~~ for appearing in the ~~Bombay~~ Courts of Bombay

~~4. The claim of the Supdt., Minto Ophthalmic Hospital will be dealt with accordingly.~~

This does not seem to be correctly worded. Omit NB.

Secretary to Government,
L & L Deptts.

To

The Senior Surgeon.
" Comptroller. through the Financial Secretariat
" Registrar, Chief Court under a c.l.
Other
" Heads of Departments

" Dy.Commrs. of Dts.

3.6.26

KNN

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 43-102—Cts. 62-25-8, dated Camp Mysore, 17th June 1926.

Batta and Travelling Allowance to Official Witnesses attending Criminal Courts in the Bombay Presidency.

Passes orders in the matter of —— .

READ—

Letter No. C. 393-3, dated 15th August 1925, from the Senior Surgeon in Mysore, stating that the Superintendent, Minto Ophthalmic Hospital, Bangalore, had to appear before the First Class Magistrate of Belgaum to give evidence in a criminal case in his official capacity in response to the summons received from that court and that he was allowed only a single first class railway fare which is neither adequate nor in accordance with the rates allowed in the Mysore State or Madras Government as per Government Order No. 13160—Cts. 121-18-2, dated 3rd January 1919, and requesting that the Bombay Government may be moved to allow officers of Mysore Government appearing before their courts the same rates of travelling allowance as are allowed to them under this Government.

2. Correspondence ending with letter No. 552—184-1885, dated 19th January 1926, from the Secretary to the Hon'ble the Resident in Mysore forwarding copy of letter No. 3852—B., dated 11th January 1926, from the Government of Bombay, Political Department, together with its enclosure, and enquiring the views of the Mysore Government in the matter.

Letter No. 3852—B., dated 11th January 1926, from the Government of Bombay, Political Department.

PAYMENT OF TRAVELLING ALLOWANCES AND BATTA TO WITNESSES ATTENDING CRIMINAL COURTS.

With reference to your letter No. 9801-184—1885, dated the 28th November 1925, I am directed by the Governor in Council to state that in 1916 the Hon'ble the Resident in Hyderabad asked the Government of Bombay to enter with the Hyderabad State into the same arrangement which you now propose for the payment of travelling expenses to official witnesses. The Government of Bombay, after full consideration did not approve of the arrangement in view of the difficulty and inconvenience which would be experienced by the courts if they were required to interpret the travelling allowance rules of other Governments. They considered that it would be preferable that no travelling allowance should be paid by either Government to the officers of the other, but that each Government should pay their own servants, mutual recoveries being either made or foregone by agreement. The Government of India approved of this arrangement. A copy of the notification of the Government of Bombay in the Judicial Department No. 6834, dated the 22nd July 1920, which gives effect to the arrangement, is enclosed. This arrangement has been extended to a number of Indian States, and, if the Mysore Durbar approve, the Government of Bombay will have no objection to extending it to that State.

2. I am also to state that the Governments of Madras and the Central Provinces have entered into a similar agreement with His Exalted Highness the Nizam's Government.

No. P. 43-102—Cts. 62-25-8, dated Camp Mysore, 17th June 1926.

Notification No. 6834 of 1920, dated 22nd July 1920 (Judicial Department, Bombay).

In exercise of the powers conferred by Section 544 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased, with the previous sanction of the Governor-General in Council, to add the following as Rule 7 to the rules published in Government Notification No. 7651, dated the 6th October 1913, as amended by Government Notification No. 2475, dated the 16th April 1918.

(7) Officials of the Hyderabad State appearing as witnesses in their official capacity before courts in the Bombay Presidency shall not be paid their expenses but the court before which such officials appear shall issue a certificate of attendance, the dates of their attendance and of the place, taluk and district in which the court sat, on which the official concerned will draw the travelling allowance from the Hyderabad Government. This arrangement may be extended by the Government of Bombay to any other Native States which may agree to adopt it.

———

3. Correspondence ending with letter No. 2860—184-1885, dated 27 March 1926, from the Secretary to the Resident forwarding a copy of letter No. 3852—B., dated 22nd March 1926, from the Government of Bombay, Political Department, stating that recoveries of travelling allowance paid by each Government to its officers for attending courts of the other may be foregone for three years as an experimental measure and that if any Government thinks it is a loser, it can suggest an alteration, and enquiring the views of the Mysore Government in the matter.

4. Correspondence ending with letter No. 4541, dated 22nd May 1926, from the Secretary to the Resident stating that the Government of Bombay have no objection to the proposal of the Government of Mysore to restrict the period of experiment to one year.

Order No. P. 43-102—Cts. 62-25-8, dated Camp Mysore, 17th June 1926.

Officers of the Mysore Government appearing as witnesses in their official capacity before courts in the Bombay Presidency will not hereafter be paid their expenses by the Government of Bombay. They can, however, claim their travelling allowance under the Mysore Service Regulations from the Mysore Government, after obtaining from the presiding officer of the Court a certificate of attendance and appending the same to their travelling allowance bills.

2. The Government of Bombay have similarly agreed to forego the travelling allowance of their officers appearing in the Mysore courts as witnesses in their official capacity. The Registrar, Chief Court, is requested to issue instructions to all the courts not to pay travelling allowance and batta to such officers as per rules of the court, but to grant them a certificate of attendance.

3. This arrangement will be in force for a period of one year from 1st July 1926. Heads of Departments and Deputy Commissioners of Districts are requested to furnish by 15th July 1927 a statement showing the expenditure incurred by Government during the period in paying travelling allowance and batta to their officials for appearing in the Courts of Bombay.

B. NAGAPPA,
Secretary to Government,
Local and Legislative Departments.

To—The Senior Surgeon in Mysore.
The Comptroller to Government, through the Financial Secretariat.
The Registrar, Chief Court.
Other Heads of Departments.
The Deputy Commissioners of Districts.

Exd.—K. S.

W D 2593—GBP—685—1-7-26.

Pol. 1166 Dt. 22/6/26
C&G 62-25-9 .24

To

The Secretary to the Hon ble
the Resident in Mysore.

Sir,

With reference to correspondence ending with your Endorsement No.4541 dated 22-5-1926, I am directed to state that His Highness' Government are agreeable to the views of the ~~Bombay~~ Government of Bombay and have no objection to try as an experimental measure for one year the arrangement suggested by that ~~Govt~~ Govt, that recoveries of travelling allowance and batta paid by each Government to their officers for attending courts of the other may be foregone.

2. Government have issued separate orders in the matter ~~and to request~~ the Government of Bombay may be moved to issue instructions to the courts in that Presidency to grant a certificate of attendance to officers of Mysore appearing in their courts. ~~A copy of the order issued by the Govt is enclosed for information~~

I have, etc.,

Secretary, L. & L Depts.

KNN